



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

TEMPORARY LEAVE TO COURT CUSTODY

Effective Date: May 6, 2015

Policy: # AD-07

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- I. PURPOSE:** To provide for temporary release of a patient for court proceedings.
- II. POLICY:** Admission to and discharge from Montana State Hospital (MSH) is regulated by Montana Statute. MSH patients are often involved in legal proceedings to determine their status. MSH patients may be released temporarily to the custody of court for civil or criminal court proceedings. Local law enforcement officers or emergency responders in the local jurisdiction will ordinarily provide transportation. If after thirty (30) days a patient remains in the custody of the court, the patient may be discharged from the Hospital in accordance with Policy #AD-02, *Discharge from Hospital*. The Hospital Administrator may allow exceptions to discharge of a person on Temporary Court Custody in instances where court proceedings are extended and the patient's Licensed Independent Practitioner (LIP) remains involved with the patient despite the Temporary Custody. The patient may be readmitted by order of the court.

III. DEFINITIONS:

Temporary Leave for Court Custody – An absence from the hospital for the purpose of court proceedings in a civil or legal matter where the patient is expected to return to MSH for further care and treatment.

IV. RESPONSIBILITIES:

Health Information– To track patients on leave for court custody and to notify the LIP that the patient may be discharged when a leave extends beyond thirty (30) days unless an extension is approved by the Hospital Administrator as outlined above.

LIP – to discharge patients when leave extends beyond thirty (30) days and to complete responsibilities related to discharge.

Medical Director – to provide an order for discharge if the assigned LIP is not available and if a covering LIP is unable to give the order. In this instance, the Medical Director may assign the discharge summary and related tasks to another member of the Medical Staff.

V. PROCEDURE:

1. Health Information will track the date that a patient was placed on leave for temporary court custody (TCC). When the individual has been on leave for thirty

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(30) consecutive days, the department may notify the last treating LIP and ask them to write an order for discharge unless the Hospital Administrator has granted an extension. In the event that the LIP is not available, the person providing coverage will provide the order. If they are unable to do so, the Medical Director will be contacted to provide the order for discharge.

2. When a patient leaves for a court proceeding, the Hospital will provide all pertinent information to the court or to staff from the transporting agency. This includes information about mental status, physical health status, medications, behavior, and risk of suicide, assault, elopement, or other significant risks.
3. Whenever possible, personal possessions belonging to the patient will be sent with the transporting officers or other transporting agency. If this cannot be done, MSH will make other arrangements to return property to the custody of the patient or the patient's designated representative with information to be documented in the clinical record.
4. MSH may provide transporting authorities with a prescription for medication required by people on leave to court custody. When there is no other alternative and it is reasonable to do so, up to three (3) days of medication may be provided from the Hospital pharmacy.

VI. REFERENCES: MSH Policy #AD-02, *Discharge from Hospital*.

VII. COLLABORATED WITH: Medical Director; Admission Coordinator; Directory of Health Information

VIII. RESCISSIONS: #AD-07, *Temporary Leave to Court Custody* dated August 4, 2011; #AD-07, *Temporary Leave to Court Custody* dated January 14, 2008

IX. DISTRIBUTION: All hospital policy manuals.

X. REVIEW AND REISSUE DATE: May 2018.

XI. FOLLOW-UP RESPONSIBILITY: Director of Health Information

XII. ATTACHMENTS: None

_____/____/____
John W. Glueckert Date
Hospital Administrator

_____/____/____
Thomas Gray, M.D. Date
Medical Director